

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DAREN M. KEETER; KELLY T.
KEETER; KAYLAN A. KEETER;
DAREN M. KEETER, TRUSTEE
FOR THE KAK TRUST, SOLE
MEMBER OF NEWAUKUM
VENTURES, LLC; JULIE L.
KEETER, GUARDIAN OF THE
PROPERTY OF KAYLAN A.
KEETER; BRADLEY A. KEETER;
CHERYL KEETER, STEVEN J.
KEETER; JAMES P. KEETER;
HUMPTULIPS VENTURES, LLC;
SATSOP VENTURES, LLC;
WYNOOCHEE VENTURES, LLC;
CHEHALIS VENTURES, LLC; and
NEWAUKUM VENTURES, LLC,

Plaintiffs,

vs.

KPMG LLP, JEFFREY A. EISCHEID;
SIDLEY AUSTIN BROWN &
WOOD, LLP, f/k/a BROWN &
WOOD, LLP; R.J. RUBLE;
DEUTSCHE BANK AG, DEUTSCHE
BANK SECURITIES INC., d/b/a
DEUTSCHE BANK ALEX. BROWN;
PRESIDIO GROWTH, LLC,
PRESIDIO ADVISORS, LLC;
PRESIDIO ADVISORY SERVICES,
LLC; and JOHN LARSON,

Defendants.

Case No. 1:04-CV-3759-WSD

**NOTICE OF SETTLEMENT
AND REQUEST FOR
DISMISSAL WITH PREJUDICE**

1. By this Notice of Settlement, Defendants Deutsche Bank AG and Deutsche Bank Securities Inc. (“DBSI”) (collectively, “Deutsche Bank” or “Deutsche Bank Defendants”), and Defendants Presidio Advisors, LLC, Presidio Advisory Services, LLC, Presidio Growth, LLC, and John Larson (collectively, the “Presidio Defendants”), jointly seek dismissal with prejudice of this action pursuant to the Court’s April 26, 2006 Consent Order. (A copy of the “Consent Order” is attached hereto as Exhibit A.)

2. The Consent Order provides “that if Plaintiffs’ withdrawal of their request for exclusion is recognized by the *Simon* court and if and when the class action settlement in *Simon* . . . is finally approved, as defined above, Plaintiffs’ claims against all Defendants will be dismissed with prejudice and this action will be concluded.” (Consent Order, Exh. A, p. 4.)

3. As contemplated by the Consent Order, the Plaintiffs in this case (“*Keeter* Plaintiffs”) successfully settled their claims against KPMG LLP and Sidley Austin as part of a settlement of a federal class action, *Simon, et al. v. KPMG LLP, et al.*, No. 05-3189-DMC (D.N.J.).

4. Specifically, on June 2, 2006, the *Simon* court entered an order certifying a class for settlement based, in part, on an April 24, 2006 affidavit by Stephen J. Cirami, which identified the *Keeter* Plaintiffs as part of the proposed settlement class.

(A copy of the June 2, 2006 Order is attached as Exhibit B; the Ciriaco Affidavit is attached as Exhibit C.)

5. On June 15, 2006, the *Simon* court entered a Final Judgment Approving Class Action Settlement (attached as Exhibit D).

6. Accordingly, the conditions of the Consent Order are satisfied, and the Deutsche Bank and Presidio Defendants respectfully request that the Court enter the enclosed Proposed Order of Dismissal With Prejudice (attached as Exhibit E).

Respectfully submitted, this 24th day of August, 2007.

By: /s/ C. Melissa Ewing

J. Marbury Rainer

Georgia Bar No.

C. Melissa Ewing

Georgia Bar No. 253383

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Attorneys for Defendants Deutsche Bank AG
and Deutsche Bank Securities Inc.

CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that this Notice complies with the font and point selections approved by the Court in Local Rule 5.1B. This Notice has been prepared in Times New Roman font, 14 point.

Respectfully submitted,

By: /s/ C. Melissa Ewing
C. Melissa Ewing
Georgia Bar No. 253383
PARKER HUDSON RAINER
AND DOBBS, LLP

CERTIFICATE OF SERVICE

This is to certify that I have this day electronically filed with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record, a copy of the preceding **NOTICE OF SETTLEMENT AND REQUEST FOR DISMISSAL WITH PREJUDICE** to:

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I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participant:

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This 24th day of August, 2007.

/s/ C. Melissa Ewing

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